IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

WP(C).No. 1797 of 2007(L)

PETITIONER:

T.A.SAMEER, S/O. ALI, AGED 35 YEARS,
THANDIAKADA, ELOOR NORTH, UDYOGAMANDAL P.O.

BY ADV. SMT.DAISY THAMPI

RESPONDENTS:

1.KALAMASSERY MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, MUNICIPAL OFFICE,
KALAMASSERY.

2.MATHEW ALEXANDER,
PATHICHERIYIL GARDENS, KALAMASSERY P.O.

R1 BY ADV.MR.M.K.ABOOBACKER
R2 BY ADV. SRI.A.S.P.KURUP
SRI.SADCHITH.P.KURUP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.1797 of 2007

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Dated: 8th February, 2007

JUDGMENT

Even though the submission of Mr.Sadchith P.Kurup, counsel for the 2nd respondent that the proper remedy for the petitioner who impugns the building permit issued in favour of the 2nd respondent is to go in for appeal cannot be said to be wrong, I am of the view that in the present case where Exts.P12 and P13 representations were actually entertained by the 1st respondent-Municipality, who conducted a hearing also as recorded in Ext.P14 minutes, the Secretary should pass an order. Since hearing was conducted on those representations on 10.11.2006 and since there is complaint by the 2nd respondent that he who is the affected person was not heard in the matter, the Secretary of the Municipality will hear the petitioner and the 2nd respondent again and take a decision on Exts.P12 and P13. Once decision is taken the same will be communicated to the petitioner and the 2nd respondent. The Secretary will ensure compliance of the above directions within six weeks of receiving a copy of this judgment.

The Writ Petition will stand disposed of as above.

srd **PIUS C.KURIAKOSE, JUDGE**